IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.3729 OF 2007
WITH
CIVIL APPLICATION NO.3730 OF 2007
IN
FIRST APPEAL (ST.) NO.16217 OF 2007

The Executive Engineer, .
Public Works Division, .
Central Building, Pune-1, & Anr. ...Applicants
V/s.
Rajaram Shankar Salunke ...Respondent

Mr.K.K. Tated, AGP, for the Applicants.

Mr.R.S. Apte with Mr.M.V. Limaye, Advocates, h/f. Mr.N.R. Bubna, for the Respondent.

CORAM : J.N. PATEL &
A.A. SAYED, JJ.

DATE : 13TH SEPTEMBER, 2007.

P.C. :

1. Heard.

2. This is an application for condonation of delay in preferring the Appeal against the judgment and decree passed against the appellants in Special Civil Suit No.02 of 1993, wherein the Trial Court has passed a judgment and decree against the appellants directing them to pay a sum of Rs.16,33,716/- to the respondent-original plaintiff with interest @ 12% from the date of the suit till its realization.

3. It is the case of the applicants that delay

was a result of administrative and procedural exigencies, as several persons are involved in the decision making process.

4. On going through the Civil Application, this Court finds that though the District Government Pleader, Pune, conveyed to the Executive Engineer, PWD, Central Building, Pune, on 13-3-2007 that an Appeal should be preferred against the judgment and decree, the PWD Department could not take proper steps for almost two months i.e. from 26-4-2007 till 4-7-2007 in spite of the fact that Mr.Arun U. Arkadi was appointed for handling the matter.

5. Though the Application is contested by the respondent-decree holder on the ground that there is no good and sufficient cause made out and, therefore, the Application for condonation of delay deserves to be rejected, in order to give fair opportunity to the respondent, we are inclined to condone the delay but subject to payment of costs of Rs.10,000/- to be paid by the Executive Engineer, PWD, Central Building, Pune, who at the relevant time was holding the office, from his own pocket for the lapse on his part to take prompt decision in the matter.

6. The costs to be deposited within a period of four weeks from today. On such costs being deposited,

the respondent would be entitled to withdraw the same. We make it clear that if the cost is not deposited within the stipulated period, the Application would stand rejected without any further reference to the Court. On such costs being deposited, the Appeal be registered and listed for admission.

7. On the appellants-applicants depositing the decreetal amount with costs within a period of four weeks in the Trial Court, there will be stay of execution proceedings. C.C. expedited.

[A.A. SAYED, J.] **[J.N. PATEL, J.]**